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*Attorneys for Defendants Eric Malley and Malley Group***

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CHRISTIAN STOKES,

NOTICE OF MOTION

Plaintiff,

-against-

**08 CIV 3667
(CM) (DFE)**

**RONALD LUSKER, MARILYN LUSKER,
EBERT & ASSOCIATES, STEVEN EBERT, ESQ.,
ANDREWS BUILDING CORP., MALLEY GROUP,
ERIC MALLEY, and
85-87 MERCER STREET ASSOCIATES, INC.,**

Defendants.

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PLEASE TAKE NOTICE THAT upon the annexed Affidavit of Eric C. Malley, sworn to on June 24, 2008, and the exhibits thereto, defendants Eric Malley and Malley Group, by and through their attorneys, Wrobel & Schatz LLP, will and do hereby move this Court, pursuant to Fed. R. Civ. P 12(b)(6), for an order dismissing First, Second and Fourth Causes of Action asserted against Eric Malley and Malley Group together with such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to Rule 6.1(b) of the Local Rules of the United States District Court for the Southern District of New York,

any opposing affidavits or memoranda shall be served within ten business days after service of the moving papers herein.

Dated: New York, New York
June 23, 2008

WROBEL & SCHATZ LLP

By: 
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